

1 AN ACT relating to voting.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 118.035 is amended to read as follows:

4 (1) The polls shall be opened on the day of a primary, special election, or regular
5 election at 6 a.m., prevailing time, and shall remain open until each voter who is
6 waiting in line at the polls at ~~8[6]~~ p.m., prevailing time, has voted. At ~~8[6]~~ p.m.,
7 prevailing time, if voters are waiting at the polls to vote, the precinct election sheriff
8 shall announce that a voter wishing to vote must immediately get in line. When all
9 voters waiting at the polls at that time are in line, the precinct election sheriff shall
10 then determine which voter is the last in line, and that voter shall be the last voter
11 permitted to vote. The precinct election sheriff shall wait in line with the last voter
12 who shall be permitted to vote until that voter has voted and shall inform a voter
13 who subsequently arrives at the polls that no one shall be permitted to vote after the
14 last voter in line at ~~8[6]~~ p.m., prevailing time. After the last voter waiting in line at
15 ~~8[6]~~ p.m., prevailing time, has voted, the polls shall then be closed.

16 (2) As provided in Section 148 of the Constitution of Kentucky, any person entitled to
17 a vote at any ***primary, regular election, or special*** election in this state shall, if he
18 ***or she*** has made application for leave prior to the day he ***or she*** appears before the
19 county clerk to request an application for or to execute an absentee ballot, be
20 entitled to ***be*** absent~~[-himself]~~ from any services or employment in which he ***or she***
21 is then engaged or employed for a reasonable time, but not less than four (4) hours
22 on the day he ***or she*** appears before the clerk to request an application for or to
23 execute an absentee ballot, during normal business hours of the office of the clerk
24 or to cast his ***or her*** ballot on the day of the election between the time of opening
25 and closing the polls. The employer may specify the hours during which an
26 employee may ***be*** absent~~[-himself]~~.

27 (3) No person shall be penalized for taking a reasonable time off to vote, unless, under

1 circumstances which did not prohibit him or her from voting, he or she fails to
 2 vote. Any qualified voter who exercises his or her right to voting leave under this
 3 section but fails to cast his or her vote, under circumstances which did not prohibit
 4 him or her from voting, may be subject to disciplinary action.

5 (4) Any person selected to serve as an election officer shall be entitled to be absent~~]~~
 6 ~~himself]~~ from any services or employment in which he or she is then engaged or
 7 employed for a period of an entire day to attend training or to serve as an election
 8 officer. The person shall not, because of the absence~~]~~ ~~so absenting himself]~~, be
 9 liable to any penalty. The employer may specify the hours during which the
 10 employee may be absent~~]~~ ~~himself]~~. No person shall refuse an employee the privilege
 11 of serving as an election officer~~]~~ ~~hereby conferred]~~, or discharge or threaten to
 12 discharge an employee or subject an employee to a penalty, because of the exercise
 13 of the privilege.

14 ➔Section 2. KRS 117.087 is amended to read as follows:

15 (1) The challenge of an absentee ballot returned by mail shall be in writing and in the
 16 hands of the county clerk before 8 a.m. on any primary, regular election, or special
 17 election day.

18 (2) The county board of elections shall count the absentee ballots returned by mail and
 19 the votes cast on the voting machine in the county clerk's office or other place
 20 designated by the county board of elections and approved by the State Board of
 21 Elections. The board may appoint a central ballot counting board of not less than
 22 three (3) members, who shall be qualified voters and no more than two-thirds (2/3)
 23 of whom shall be members of the same political party, to count the ballots at the
 24 direction of the county board of elections.

25 (3) Beginning at 8 a.m. on primary, regular election, or special election day, the board
 26 shall meet at the county clerk's office to count the absentee ballots returned by mail
 27 and the ballots cast on the voting machine in the county clerk's office or other place

1 designated by the county board of elections and approved by the State Board of
2 Elections. Candidates or their representatives shall be permitted to be present. The
3 county board of elections shall authorize representatives of the news media to
4 observe the counting of the ballots. The board shall open the boxes containing
5 absentee ballots returned by mail and remove the envelopes one (1) at a time. As
6 each envelope is removed, it shall be examined to ascertain whether the outer
7 envelope and the detachable flap are in proper order and have been signed by the
8 voter. A person having power of attorney for the voter and who signs the detachable
9 flap and outer envelope for the voter shall complete the voter assistance form
10 required by KRS 117.255. The signatures of two (2) witnesses are required if the
11 voter signs the form with the use of a mark instead of the voter's signature. All
12 unsigned absentee ballots shall be rejected automatically. The chair~~chairman~~ of
13 the county board of elections shall compare the signatures on the outer envelope and
14 the detachable flap with the signature of the voter that appears on the registration
15 card. If the outer envelope and the detachable flap are~~found to be~~ in order, the
16 chair~~chairman~~ shall read aloud the name of the voter. If the vote of the voter is
17 not rejected on a challenge~~then made~~ as provided in subsection (4) of this section,
18 the chair~~chairman~~ shall remove the detachable flap and place the inner envelope
19 unopened in a ballot box which has been provided for the purpose.

20 (4) When the name of a voter who cast an absentee ballot by mail is read aloud by the
21 chair~~chairman~~, the vote of the voter may be challenged by any board member or
22 by the written challenge provided in subsection (1) of this section and the challenge
23 may be determined and the vote accepted or rejected by the board as if the voter was
24 present and voting in person; but if the outer envelope and the detachable flap are
25 regular, and substantially comply with the provisions of this chapter, they shall be
26 considered as showing that the voter is prima facie entitled to vote. If the vote of a
27 voter is rejected pursuant to the challenge, the inner envelope shall not be opened,

1 but returned to the outer envelope upon which the chair~~chairman~~ shall write on
2 the envelope the word "rejected."

3 (5) After the challenges have been made and all the blank inner envelopes have been
4 placed in a ballot box, the box shall be thoroughly shaken to redistribute the
5 absentee ballots in the box. The board shall open the ballot box, remove the
6 absentee ballots from the inner envelopes, and count the ballots.

7 (6) The board shall unlock any voting equipment used to cast ballots in the county
8 clerk's office or other place designated by the county board of elections, and
9 approved by the State Board of Elections, as provided for in KRS 117.086, and a
10 total of all ballots shall be made and recorded on the form provided by the State
11 Board of Elections.

12 (7) The county board of elections, the county clerk, and all individuals permitted to be
13 present for the counting of absentee ballots pursuant to subsection (2) of this section
14 shall not make public the absentee ballot results determined as provided in this
15 section until after 8~~6~~ p.m. prevailing time.